

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 17-965 KG

KIRBY CLEVELAND,

Defendant.

ORDER RESULTING FROM STATUS CONFERENCE

This matter is before the Court following a status conference on February 1, 2018.

Jennifer M Rozzoni and Michael Murphy appeared for the Government, and Donald

Kochersberger appeared for the Defendant. Having determined the existing Scheduling Order needs to be modified, and that a further *in camera* review by Judge Molzen on the recusal issue is necessary, the Court hereby, ORDERS

1. Counsel shall meet and confer regarding an agreed amended scheduling order no later than **February 23, 2018;**
2. Counsel shall submit the proposed amended scheduling order to the Court via e-mail no later than **February 28, 2018;**
3. The proposed amended scheduling order must contain the following deadlines:

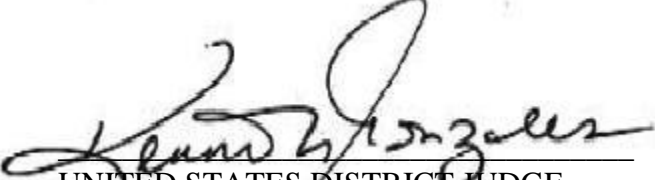
Defendant must file any motion challenging: (a) the jury system; or (b) the indictment no later than **May 10, 2018;**

The Government must respond to any such motion(s) no later than **May 24, 2018;** and

Defendant may file an optional reply to such motions(s) no later than **May 31, 2018.**

4. The February 19, 2018, deadline for completion of non-expert Rule 16 discovery is vacated. The remaining deadlines in the existing Scheduling Order will remain in place until further order by the Court.
5. The Court refers this case to Magistrate Judge Karen Molzen for an *in camera* review of the additional materials discovered by the Government in Cr. No. 12-2062 MCA, and to prepare findings on my participation, if any, in that case as United States Attorney.
6. Any objections to Judge Molzen's Proposed Findings and Recommended Disposition (PFRD) are due **within five (5) business days** of entry of the PFRD.

Having designated this case as complex, the Court further orders, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the time between the entry of this Order and the trial date is excluded for the purposes of the Speedy Trial Act computation.


UNITED STATES DISTRICT JUDGE